

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Criminal No. 09-55 (5) (RHK/SER)

Plaintiff,

**ORDER**

v.

Earl David Bowser,

Defendant.

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Before the Court is Defendant's Motion for a reduction of his sentence based upon amendments to the Sentencing Guidelines which became effective November 1, 2011—those amendments lowered the base offense levels applicable to cocaine base/"crack" offenses.

Because Defendant was determined to be a "career offender," however, he is not eligible for any sentence reduction. See United States v. Tolliver, 570 F.3d 1062 (8<sup>th</sup> Cir. 2009).

Accordingly, and upon all the files, records, and proceedings herein, **IT IS ORDERED** that Defendant's Motion for Reduction of Sentence (Doc. No. 342) is **DENIED**.

Dated: February 8, 2012

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge